

JUSTIN M. BAXTER  
Oregon State Bar ID Number 99217  
justin@baxterlaw.com  
Baxter & Baxter LLP  
8835 S.W. Canyon Lane, Suite 130  
Portland, Oregon 97225  
Telephone (503) 297-9031  
Facsimile (503) 291-9172  
Attorney for Plaintiffs Breniser and Thurber

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

JERRY BRENISER and GALE THURBER,

Case No. 07-CV-1418-HU

Plaintiffs,

PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT

v.

WESTERN RECREATIONAL VEHICLES, INC.,  
a foreign corporation,

Defendant.

---

Plaintiffs Jerry Breniser and Gale Thurber submit the following motion for summary judgment pursuant to Fed. R. Civ. P. 56.

Counsel for plaintiffs certifies that he has conferred with the corporate representative for defendant Western Recreational Vehicles, Inc., (hereinafter "WRV"), during the recent

conference call with the Court prior to the filing of these motions, and issues raised herein remain.

Plaintiffs seek this Court's order entering judgment as set forth in plaintiffs' claims for relief, against defendant. Defendant has reported to the Court, through its representative, that defendant is no longer in business and does not intend to continue to defend in this case. Defendant has not retained an attorney to appear on its behalf in this case. Defendant has not participated in discovery in this case.

Accordingly, plaintiffs seek entitled to summary judgment. Plaintiffs' motion is supported by the declarations, exhibits, points and authorities filed herewith.

DATED this 23rd day of September, 2008.

/s/ Justin M. Baxter

---

Justin M. Baxter, OSB #99217  
justin@baxterlaw.com  
Telephone (503) 297-9031  
Facsimile (503) 291-9172  
Attorneys for Plaintiffs Breniser and Thurber

CERTIFICATE OF SERVICE

I hereby certify that I served a true and complete copy of the foregoing PLAINTIFFS'

MOTION FOR SUMMARY JUDGMENT on:

Philip Von Bourg  
142 West 57th St., Suite 1700  
New York, NY 10019

Corporate Representative for Defendant Western Recreational Vehicles, Inc.

☒ Via First Class Mail

☐ Via Facsimile

☐ Via Hand Delivery

☒ Electronic Delivery to pvonburg@mcpfunds.com

DATED this 23rd day of September, 2008.

/s/ Justin M. Baxter

---

Justin M. Baxter, OSB #99217  
justin@baxterlaw.com  
Telephone (503) 297-9031  
Facsimile (503) 291-9172  
Attorneys for Plaintiffs Breniser and Thurber